

SAINT KITTS AND NEVIS 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Kitts and Nevis is a multiparty parliamentary democracy and federation. The prime minister is the head of government. King Charles III is the head of state, represented by a governor general. The constitution provides the smaller island of Nevis considerable powers of self-governance under a premier. In August the federation held general elections that resulted in a changeover of the governing party. Prime Minister Terrance Drew's party won six of the 11 seats in the legislature. Independent observers from the Organization of American States as well as the Caribbean Community organization assessed that the elections were free and fair.

The security forces consist of a police force, which includes the paramilitary Special Services Unit, a drug unit, the Special Victims Unit, the Office of Professional Standards, and a white-collar crimes unit. These forces are responsible for internal security, including migration and border enforcement. Police report to the Ministry of National Security, which is under the prime minister's jurisdiction. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

Significant human rights issues included criminalization of same-sex sexual conduct between men, which was the law until August, when the Eastern Caribbean Supreme Court ruled the law was unconstitutional. The law was not enforced during the part of the year when it was in place.

There were no reports of prosecutions or arrests of government officials for human rights violations during the year, but authorities stated they took appropriate measures to discipline officials when necessary. The government generally implemented effectively the law criminalizing official corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution prohibits such practices, and there were no credible reports that government officials employed them.

Prison and Detention Center Conditions

In Saint Kitts, the prison was overcrowded, and facilities were austere.

Abusive Physical Conditions: There are two prisons in the federation, with a total designed capacity of 160 inmates. Her Majesty's Prison in Saint Kitts, built in 1840 and originally designed for 60 inmates, held approximately 320 inmates, including pretrial detainees confined with convicted prisoners. Most prisoners had beds, although some slept on blankets on the floor. Inmates between ages 16 and 21 were held with adult prisoners.

Administration: Authorities generally investigated credible allegations of mistreatment.

Independent Monitoring: Authorities generally permitted prison visits by independent human rights observers, although there were no known visits during the year.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police may arrest a person without a warrant, based on the suspicion of criminal activity. The law requires that detained persons be charged within 72 hours or be released. If detainees are charged, authorities must bring them before a court within 72 hours of detention. The government respected these rights. There is a functioning bail system. Detainees have prompt access to a lawyer of their choice or to a lawyer provided by the state. The government provides free defense counsel to indigent defendants only in capital cases. There is a private legal-aid program to provide legal assistance to indigent defendants.

Authorities remanded persons accused of serious offenses to custody to await trial. They released those accused of minor infractions on their own recognizance or on bail with sureties.

Pretrial Detention: Pretrial detainees were 30 percent of the prison population. The length of time a person was held in pretrial detention varied. The government did not report on the average length of pretrial detention. Nongovernmental organization (NGO) representatives reported pretrial detentions of six to nine months for High Court cases.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair and public trial, and the judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters. Individuals or organizations may seek civil remedies for human rights violations through domestic courts and the Eastern Caribbean Court of Appeal.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. Civil servants are restricted from participating in protests.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. Protection of Refugees

Information on the government's cooperation with the Office of the UN High Commissioner for Refugees was unavailable.

Access to Asylum: While the law provides for the granting of asylum or refugee status, the government has not established a system for providing protection to refugees. There were no requests for asylum reported during the year.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Voters elect 11 members of the National Assembly, and the governor general appoints a three-person senate: two on the recommendation of the prime minister and one on the recommendation of the opposition leader.

Elections and Political Participation

Recent Elections: General elections were held on August 5. Prime Minister Terrance Drew led the Saint Kitts and Nevis Labour Party in winning six of eight seats in Saint Kitts. Former Foreign Minister Mark Brantley's party won all three seats in Nevis, where he was also premier of the semiautonomous local government. Official electoral observer missions from the Organization of American States and Caribbean Community organization (CARICOM) described the elections as peaceful, and free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Media and private citizens reported government corruption was occasionally a problem.

Corruption: Members of the government expressed concern regarding the lack of financial oversight of revenues generated by the citizenship by investment (CBI) program. During the year, the CBI unit held consultations to discuss best practices and improve the security of the CBI program. The government did not publicize the number of passports issued through CBI or the nationalities of the passport holders.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The country had a small number of domestic human rights groups that generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: The Ministry of Health maintained a human rights desk to monitor discrimination and other human rights abuses beyond the health sector. The law permits this office to investigate any administrative action of an authority for the purpose of deciding whether there is evidence of maladministration on the part of the authority. It was unknown if the Office of the Ombudsman remained active and functioning during the year.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law classifies sexual violence, rape, and incest as serious offenses and establishes penalties for perpetrators. The law prohibits rape of women but does not address spousal rape. The law utilizes an “unnatural offenses” statute to address male rape. Penalties for rape range from two years’ imprisonment for incest between minors to life imprisonment. Indecent assault has a maximum penalty of 10 years’ imprisonment. There is no statute of limitations for prosecuting sexual offenses. The law criminalizes domestic violence, including emotional abuse, and provides for a fine or six months in prison. The government enforced the law.

Court cases and anecdotal evidence suggested that rape, including spousal rape, was a problem. Violence against women and girls was a serious and underreported problem. Advocates indicated they believed the true number of domestic violence and violence against women cases was likely higher than reported but that many victims were reluctant to file reports due to the belief that they would not be protected or that their abusers would not be prosecuted. In July, the Department of Gender conducted a gender-based violence awareness workshop to improve public education on the issue and advocate for and support victims and survivors affected. National data from the Saint Kitts and Nevis Special Victims Unit revealed that reported cases had consistently increased. During the COVID-19 pandemic, the number of reported cases increased from 87 cases in 2019 to 359 in 2020.

Sexual Harassment: The law does not explicitly prohibit sexual harassment in the workplace. Sexual harassment cases are instead prosecuted under the Protection of Employment Act. The press reported that sexual harassment occurred in the workplace.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception was widely available, including emergency contraception, as part of family planning methods. There were no legal or social barriers to accessing

contraception, but some religious beliefs and cultural barriers limited its usage. Survivors of sexual violence could access services from any public hospital. Emergency contraception was available with a doctor's prescription.

Discrimination: The law provides women the same legal status and rights as men, including under family, religious, personal status, and nationality laws, as well as in property, inheritance, employment, and owning or managing a business. In the labor sector, women are legally restricted from working in some industries, including mining, construction, factories, energy, and water. No law prohibits gender-based discrimination in access to credit. The law requires equal remuneration, and women and men generally received equal salaries for comparable jobs. The government effectively enforced the law.

Systemic Racial or Ethnic Violence and Discrimination

The constitution expressly prohibits discrimination based on race, place of origin, birth out of wedlock, political opinions or affiliations, color, and sex or creed.

There were no reports of governmental or societal violence or discrimination against members of racial, ethnic, or national minorities during the year. There were no reports of disproportionate access to education.

Children

Birth Registration: Children acquire citizenship by birth in the country, and all children are registered at birth without discrimination. Children born abroad to citizen parents may be registered by either parent.

Child Abuse: Child abuse is illegal but was a problem. According to the government, neglect was the most common form of abuse, while physical abuse, including sexual molestation, occurred. Civil society representatives reported there was an increase in transactional sex with boys and girls and that some parents encouraged this practice.

The Special Victims Unit investigated allegations of physical and sexual abuse, domestic violence, juvenile abuse, and crimes against children. The unit worked closely with the Department of Probation and Child Protection Services when there

were juvenile-related matters and the Department of Gender Affairs when there were cases of domestic violence. In child abuse cases, the law allows children to testify against their alleged attackers using remote technologies such as Zoom. Other solutions, such as placing a physical barrier in the courtroom, were also employed to protect victims. The Ministry of Social Services and the Ministry of Education regularly collaborated on programs to curb child abuse.

The St. Christopher Children's Home served abused and neglected children; it received funding and logistical support from the government. The government offered counseling for both adult and child victims of abuse.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18 for both men and women. Underage marriage was rare.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children, and it was generally enforced. Child pornography is illegal and carries a penalty of up to 20 years in prison. NGO representatives reported that sexual exploitation and molestation of children were problems. NGO representatives also reported that adolescent transactional sex was an occasional problem. The age of consent for sexual relations is 16. Having sexual relations with children younger than age 16 is illegal.

Antisemitism

There was no organized Jewish community, and members of the Jewish faith reported there were no antisemitic acts.

Trafficking in Persons

There were no confirmed reports during the year that traffickers exploited domestic or foreign victims in Saint Kitts and Nevis or that traffickers exploited victims from Saint Kitts and Nevis abroad.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex

Characteristics

Criminalization: On August 29, the Eastern Caribbean Supreme Court (ECSC) struck down the law that criminalized consensual same-sex sexual conduct among men, ruling that the law violates “one’s freedom of expression and personal privacy.”

Violence against LGBTQI+ Persons: The government stated it received no reports of violence or discrimination based on sexual orientation, but some observers suggested there was underreporting due to negative societal attitudes. They stated that the transgender community faced the most verbal and physical abuse and noted that they received reports of transgender persons being harassed by the police. Observers noted a case involving a police officer who was accused of assaulting a transgender individual.

Discrimination: No laws prohibit discrimination against a person based on sexual orientation or gender identity in matters regarding essential goods and services and access to government services, such as health care.

Availability of Legal Gender Recognition: There is no legislation on legal gender recognition.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals.

Restrictions on Freedom of Expression, Association or Peaceful Assembly: There were no reports of restrictions on freedom of expression, association, or peaceful assembly specifically targeting LGBTQI+ individuals.

Persons with Disabilities

The law does not explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. Persons with disabilities experienced discrimination, particularly with access to buildings and public transportation. The law mandates access to buildings for persons with disabilities, but it was not

consistently enforced.

Children with disabilities attended school, although some parents of students with disabilities preferred to have their child stay at home. There was a separate school for students with disabilities. Many local schools accommodated students with physical disabilities, but not all public schools were accessible to students with disabilities, and there was an insufficient number of teachers trained to work with disabled children. Civil society representatives reported there was no infrastructure in place to assist secondary school students with disabilities in their transition to college.

The disabilities association reported that the women's shelter facilitated services for persons with disabilities. They reported cooperating with the special victim's unit in the police force to assist a woman with disabilities who was unaware that she was being married.

Other Societal Violence or Discrimination

The law prohibits discrimination based on a person's HIV status; however, societal discrimination occurred against persons with HIV or AIDS. The Ministry of Labor enforced a specific antidiscrimination policy covering HIV and AIDS in the workplace. The national HIV and AIDS program coordinator and other health officials publicly advocated for decriminalizing homosexuality as "critical to combatting HIV/AIDS" and noted that a person's HIV status is categorized as personal medical information and deserves the right always to be kept private and confidential. HIV and AIDS patients were often hesitant to visit public health facilities due to concern their status might be shared within their community if they were recognized during their visit.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right to form and join independent unions or staff associations and the right to collective bargaining. The government generally respected the law. The law permits police, civil servants, hotels, construction

workers, and small businesses to organize staff associations. Staff associations do not have bargaining powers but are used to network and develop professional standards. A union representing more than 50 percent of employees at a company may apply for the company to recognize the union for collective bargaining. Companies generally recognized the establishment of a union if a majority of its workers voted in favor of organizing the union, but the companies are not legally obliged to do so.

In practice, but not by law, there were restrictions on strikes by workers who provide essential services, such as police and civil servants. The law prohibits antiunion discrimination but does not require employers found guilty of such discrimination to rehire employees fired for union activities. The International Labor Organization provided technical assistance to the government in labor law reform, labor administration, employment services, labor inspection, and occupational safety and health. The government effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. The Ministry of Labor provided employers with training on their rights and responsibilities.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits slavery, servitude, and forced labor. The government did not report any cases of involuntary servitude. The government effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor, and a Special Victims Unit, led by the Child Protection Services and police, investigated violations. The law sets the minimum age for work at 16. Prohibitions do not apply to family businesses. Children ages 16 and 17 have the same legal protections from dangerous work conditions as all workers. The law permits children from the ages of 16 to 18 to work regular hours. Employment of children ages 16 to 18 in certain industries related to the hotel and entertainment sectors is restricted. The government effectively enforced the applicable laws, and penalties were commensurate with

those for analogous crimes. Most children younger than age 16 with jobs worked after school in shops and supermarkets or did light work in the informal sector.

The Ministry of Labor relied heavily on school truancy officers and the Community Affairs Division to monitor compliance with child labor laws, which they did effectively. The ministry reported that investigations were frequent and that violators were referred to the Social Security Office for enforcement.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination based on race, sex, gender, language, HIV-positive status or other communicable diseases, sexual orientation, gender identity, or social status. The law stipulates any employer who wrongfully terminates an employee can be fined to cover the cost of employee benefits. The government effectively enforced discrimination laws and regulations, and penalties were commensurate to those for laws related to civil rights, such as election interference.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage for all sectors of the economy was above the estimated poverty income level. The law does not prohibit excessive or compulsory overtime, but policy calls for employers to inform employees if they must work overtime. Although not required by law, workers generally received at least one 24-hour rest period per week.

Occupational Safety and Health: The government sets occupational safety and health (OSH) standards that were outdated but appropriate for the country's main industries. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. The law also requires employers to report accidents and dangerous incidents.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage, overtime, and OSH laws, and penalties were commensurate with those for similar crimes, such as fraud. Violators are subject to fines, and repeat

offenders are subject to prosecution.

The Labor Commission settles disputes over OSH conditions. The office conducted regular workplace inspections. Labor inspectors have the authority to make unannounced inspections and make recommendations. The commission undertook wage inspections and special investigations when it received complaints. If the commission found that employers violated wage regulations, penalties were generally sufficient to encourage compliance. The government reported there were no violations resulting in arrests or prosecutions.

Informal Sector: The informal sector was estimated to represent approximately 25 percent of GDP. The Ministry of Labor relied primarily on worker complaints to initiate inspections of facilities using informal labor.